THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 25396 of 2005

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Dated:29.11.2005

Between:

Marella Radha Rani, W/o. Ramprasad, & D/o. Rama Krishnaiah, R/o. D.No.18/5, C.R. Devalayam Street, 18th Ward, Kadapa Town.

..... PETITIONER

AND

The District collector, Kadapa District, Kadapa, and others.

.....RESPONDENTS

ORDER:-

This writ petition is filed to declare the action of the 1st respondent in not considering the revision petition and the stay application, dated 30.08.2005, as illegal, arbitrary and violative of Article 14 and 21 of Constitution of India.

The petitioner was appointed as Fair Price shop dealer. It is stated that pursuant to the notification, dated 18.11.1995, to fill up the vacancy of Fair

Price Shop dealer in 18th ward of Kadapa town, the petitioner made an application and was selected as Fair Price Shop Dealer of the said shop by proceedings, dated 23.12.1998, and from the date of her appointment, the petitioner has been functioning as a Dealer by distributing the essential commodities to the card-holders continuously. Against the said order of her appointment, one B. Nagesh filed an appeal before the Joint Collector, Kadapa in January 1999. It appears that the said appeal has been taken up for hearing after seven years and the same was allowed on the ground that the petitioner is not residing in Door No.18/450 of Habibullah street, Kadapa, but she has been found residing in D.No.15/450 in a different ward. Therefore, as per the requirement, the petitioner is not residing within the locality and that she is not entitled for the dealership and accordingly the dealership has been set aside. No relief was granted in favour of the appellant, but the appellate authority directed to re-notify the said shop again for fresh selection. Aggrieved by the same, the petitioner filed a revision before the District Collector on 30.08.2005.

Learned counsel appearing for the petitioner submits that in fact the change of door number was intimated and in the licence for the purchase, sale/storage for sales of essential commodities as well as in the licence for the purchase, sale/storage of the kerosene, the residential address has been corrected showing the door number of the petitioner as 18/450 and to that effect the Mandal Revenue Officer also issued a certificate showing the door number.

It is stated that the Door No.18/450 was also in the same ward and the authorities having corrected the change of the door number, it cannot be said that the residence of the petitioner is contrary to any regulations.

Having regard to the facts and circumstances of the case, and as the revision is pending before the Collector, I am of the opinion that it is just and proper to grant stay of the orders of the Joint Collector as the petitioner has been continuously carrying on the business, without any complaints whatsoever even according to the impugned order.

For the aforesaid reasons, the writ petition is disposed of directing the 1st respondent to consider and dispose of the revision filed by the petitioner after giving reasonable opportunity, within a period of six weeks from the date of receipt of this order and till then the impugned order of the Joint Collector, dated 01.08.2005, shall stands stayed.

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29.11.2005

Note:- Issue CC in two days.

B/o.

ES.